

Customer No. 24498  
Ser. No. 10/587,188  
Reply to Office action of September 29, 2008

PU040031

### **Remarks/Arguments**

Claims 1 – 26 are pending and claims 1 – 26 are rejected. In this response, claims 1, 11, 12, 22 and 24 are amended and claims 4 and 15 are canceled. No new matter has been introduced.

#### **35 U.S.C. §112**

In the Office Action, the Examiner rejected claims 11 and 24 under 35 U.S.C. § 112 as being indefinite for the phrase “about 40 degrees”. Claims 11 and 24 have been amended to recite:

“...the phase difference is between 38 and 40 degrees”

Support for the amendment is in the description on page 8 lines 7 – 17 (38 degrees) and the claims as filed (40 degrees). Withdrawal of the rejection of claims 11 and 24 for indefiniteness is respectfully requested.

#### **35 U.S.C. §102**

In the Office Action, the Examiner rejected claims 1 – 10 and 12 - 23 under 35 U.S.C. § 102(b) as being anticipated by Modafferi. (US 4,771,466). Amended independent claim 1 recites, inter alia:

“a first component coupled to the first loudspeaker to form a low-pass filter for providing the first loudspeaker low frequency band signals; and a second component coupled to the second loudspeaker to form a high-pass filter for providing the second loudspeaker high frequency band signals, wherein the low-pass and the high-pass filters are first-order filters and wherein the first component is coupled in series to the first loudspeaker in a first polarity, the second component is coupled in series to the second loudspeaker in a second polarity,

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and the second polarity is an inverse of the first priority, and impedances of the first and second components are selected such that a phase difference at the crossover frequency between respective responses of the first and second loudspeakers is no greater than 60 degrees"

Modafferi does not disclose to invert the polarity of one of the loudspeakers. Examiner cites Modafferi as anticipating the previous claim 4, which is now incorporated in claim 1, referencing figures 1 and 2 and column 2, lines 50-63; however, figures 1 and 2 do not disclose to invert the phase of one of the loudspeakers, nor does the text of Modafferi. The cited text of Modafferi discloses:

"If an ideal woofer were connected to a cross-over network having the transfer response of Equation (3) and an ideal tweeter were connected to a crossover network having the transfer response of Equation (4), and the woofer and tweeter were combined in a single system, the result would be a "perfect" loudspeaker system. Its amplitude response would be perfectly flat for all frequencies and there would be no phase shift at any frequency."

Modafferi makes no reference to reversing the polarity of one of the loudspeakers, nor would the referenced transfer functions of equations 3 and 4 indicate a phase reversal of the respective signals. In view of the amendment of claim 1 and the preceding comments, applicant sincerely believes the rejection of claim 1 has been traversed. Applicant respectfully requests the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Independent claim 12 has been amended in a manner similar to amended claim 1. Arguments in support of the patentability of claim 12

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follow those for claim 1 above. Withdrawal of the rejection of claim 12 is respectfully requested.

Claim 22, as filed, recites to invert the polarity of one of the loudspeakers which is contrary to the disclosure of Modafferri. For all the reasons stated previously, withdrawal of the rejection of claim 22 is respectfully requested.

Claims 2, 3 and 5 – 10, being properly drawn to independent claim 1 or claims depending from claim 1, are believed to be allowable for all the features of claim 1 and their additional features. Withdrawal of rejections of dependent claims 2 – 10 is respectfully requested. Similarly, claims 13, 14 and 16 – 21, being properly drawn to independent claim 12 or claims depending from claim 12, and claim 23, being properly drawn to independent claim 22, are believed to be allowable for all the features of claims 12 and claim 22, respectively, and their additional features. Withdrawal of rejections of dependent claims 13, 14, 16 – 21 and 23 is respectfully requested.

### **35 U.S.C. §103**

Claims 11 and 24 - 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Modafferri (US 4,771,466) and Examiner's expectation of design choice. Claims 11 and 24 – 26, being properly drawn to independent claims or claims depending from independent claims, are believed to be allowable for all the features of the base claims and their additional features. Withdrawal of rejections of dependent claims 11 and 24– 26 is respectfully requested.

### **Conclusion**

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the

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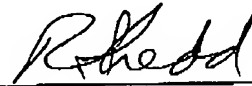
Examiner is invited to contact the applicant's attorney at (386) 438-8034, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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No additional fee is believed due. However, if an additional fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,  
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